MONTANA LEGISLATIVE HISTORY

Chapter 18 19 67

Bill H 183 S _____ Original bill & history ___C

H. Committee on Business & Ind		S. Committee on Public Health, W & S	
Hearing Date(s) 1-21	✓C	Hearing Date(s) 1-30	✓C
_____	___C	1-27	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

January 21, 1967

MINUTES OF THE

BUSINESS AND INDUSTRY COMMITTEE

Meeting was called to order by Chairman Pierce. The secretary called the roll.

Representative Conrad Lundgren, chief proponent and sponsor, explained HB183. Floor was then open to questions. There were none. E. E. McGilvra, member of the Motel-Hotel Association, spoke in favor of the bill and said that the bill is a joint effort of the Board of Health and the Hotel and Motel Association.

HB190 was the next order of business. Representative Jensen, chief proponent and sponsor of the bill, explained thatwithout this bill there is no way to check on the exact amount of the original indebtedness of a party with which you may want to enter into a business contract. There is no way to check on the security of his collateral.. The way the original bill was set up, you have a problem of getting a record of what a person owes. Witness was excused.

Discussion followed.

HJR15 was the next order of business. Chairman Pierce read the bill, and explained that the purpose of it was to provide set wages, explain specific jobs, and in general be a guide for the next legislative session for hiring competent legislative help. Mr. Stratton suggested an amendment to the bill explaining where the people of the next legislative session could obtain this report. Mr. Pierce moved to amend it to say: "BE IT FURTHER RESOLVED, this committee report be left with the Secretary of State for dissemination to the next legislative assembly."

Motion was made by Gilligan that HB71 do pass, seconded by Fischer; motion carried with Mr. East opposing.

Discussion was open on HB190. Mr. Worden was opposed to the bill because of the extra load of work placed on banks to do this sort of itemizing. Mr. Gilligan said the only thing this bill does is necessitate itemizing in dollar amount the collateral. Mr. Stratton said if this bill passed, it would completely reverse the intent of the present statute which had the main purpose of eliminating this extra paperwork. Chairman Pierce appointed a sub-committee of Stratton, East and Darrow to study the bill and report back on Monday.

Motion was made by Mr. Nugent that HB183 do pass; seconded by Nugent; passed with no opposition.

Motion was made by Wolf that HJR/as amended do pass; seconded by Mr. East; passed with no opposition.

- [x] DO PASS
- [ ] DO NOT PASS
- [ ] BE CONCURRED IN
- [ ] BE NOT CONCURRED IN
- [ ] BE ADOPTED
- [ ] BE NOT ADOPTED

STANDING COMM

January 21, 19 67

MR. ~~PRESIDENT~~ SPEAKER:

We, your committee on Business and Industry

having had under consideration House Bill No. 183

A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE ESTABLISHMENTS PROVIDING TRANSIENT LODGING SPACE AND/OR ACCOMMODATIONS; DEFINING TERMS; PROVIDING FOR LICENSURE AND LICENSE FEE; AND PROVIDING PROCEDURE FOR CANCELLATION OR DENIAL OF LICENSE; EMPOWERING STATE BOARD OF HEALTH OF MONTANA TO MAKE AND ENFORCE ALL NECESSARY REGULATIONS, INCLUDING SANITARY STANDARDS FOR SUCH ESTABLISHMENTS; PROVIDING FOR PUBLIC HEARING ON RULES AND REGULATIONS; AND, TO ESTABLISH COOPERATIVE AGREEMENTS WITH OTHER MONTANA AGENCIES; PROVIDING FOR INSPECTION AND REPORT OF INSPECTION; EMPOWERING STATE BOARD OF HEALTH OF MONTANA TO ISSUE SUBPOENAS; PRESCRIBING PENALTIES; PROVIDING FOR FEE REQUIRED BY THIS ACT TO SUPERSEDE OTHER FEES FOR SAME PURPOSE; DIRECTING THAT UNCONSTITUTIONALITY OF A PART OF THIS ACT SHALL NOT AFFECT OR IMPAIR THE REMAINDER; AND REPEALING SECTIONS 34-201, 34-202, 34-203, 34-204, 34-205, 34-206, 34-207, 34-208, 34-209, 34-210, 34-211, 34-212, 34-213, 34-214, 34-215, 34-216, 34-217, REVISED CODES OF MONTANA, 1947, AS AMENDED OR SUPPLEMENTED, AND ESTABLISHING EFFECTIVE DATE."

Respectfully report as follows: That House Bill No. 183

[redacted]

ame Conrad Knudsen Bill No. 183

hom do you represent? Representative - Dist. 44

end?..... Oppose?..... Support? Author

lease leave prepared statement with secretary.

MINUTES
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
STATE SENATE

January 27, 1967

The meeting of the Public Health, Welfare and Safety Committee was held in room 440, January 27, 1967, after adjournment. A quorum was present.

HOUSE BILL 13 introduced by House Representative, Haines. The purpose of the bill is to save a person who is totatly unabled to manage their funds from going to court to establish a gaurdian. The person would be provided with assistance payments. A subcommittee consisting of Senators Rasmussen, Hilling, and Judge were appointed to further look into this bill and amend it. Further action was deferred until next meeting.

SENATE BILL 169 introduced by Senator Cotton. Purpose of the bill is to stop selling beer on off-premises that also sell gasoline. Mr. Scribner, a proponent stated that beer and gasoline do not mix, and that the board has the right to deny issuance of a beer license if the premises is not within five miles of the corporate limits. The board will issue a license if it's for public convenience or necessity. Mr. Kirt Dewy, also a proponent agreed to what the bill provided. The bill was acted upon and motioned do pass by Senator Hibbard and seconded by Senator Deschamps.

HOUSE BILL 183 introduced by Senator Swanz. Purpose of the bill was to clarify that hotels and motels will be charged the same amount of money for license, costing $5.00. Also to provide for an inspection and the report of the inspection. A motion was made to defer the bill until the State Board of Health could come and explain the bill more thouroughly. Motion made and seconded by Senator Swanz and Senator Bennettt.

SENATE BILL 97 which had been deferred at the last meeting, was now acted upon. Dealt with doing away with self service gas stations. The bill was motioned and seconded do not pass. Motioned by Senator Hibbard and Senator Swanz.

MINUTES
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
STATE SENATE

January 30, 1967

The meeting of the Public Health, Welfare and Safety Committee was held in room 440, January 30, 1967, on adjournment. The meeting was called to order by the Chairman and roll call was taken. All were present.

SENATE BILL 4 which was previous introduced by Senator Judge was again given to the committee for their consideration. Proponents for the bill were Mr. John Coy, Mr. Ed Shoebat, who read a letter from Salt Lake Commissions Association stating that they approved of Senate Bill 4. They are satisfied with the tow programs ADC and title 19. Senate Bill 4 takes care of those who are medically injured. It keeps the people off the welfare rolls. Countries and States would save money with Senate Bill 4.

Bill Leary, Secretary from Montana Hospital Association and Mr. Carculas read some amendments for the bill. Also the cost to put this bill into effect. The first phase of the bill must be in effect by 1970. Along with the amendments of the House Bill 4, Senate Bill 4 was amended by the committee.

Senator Judge then motioned to adopt the amendments of the bill being seconded by Senator Deschamps. The motion was moved and carried. Senator Shugrue then motioned that Senate Bill 4 do pass as amended being seconded by Senator Hibbard. The motion was moved and carried.

HOUSE BILL 183 which delt with hotels and motels was then given to the committee for their consideration. This bill provides for the establishment of transient lodging space for accomodations. They want to charge a license fee from $2 to $5 to establish poor conditions and up date the existing laws. Proponents were Clayborn Brinck and Vern Solan. The bill was then moved and seconded to be concurred in by Senator Hilling and Senator Hibbard.

SENATE BILL 235 introduced by Senator Gilfeather was again present to the committee. The bill dealt with the cost of leaving adjustments to standards of Welfare Assistance. Senator Gilfeather presented an amendment and Senator Hilling added to the amendment. The bill was then motioned to do pass as amended by Senator Hilling and seconded by Senator Deschamps. The motion was moved and carried.

HOUSE BILL 13 was then given consideration by the committee. This bill dealth with the assistance payments of another person who is found interest in the welfare of such old aid assistance. The bill was put in a subcommittee at the previous meeting to be further discussed. Senator Rasmussen

☐ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 30, 19 67

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE Bill No. 183

A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE ESTABLISHMENTS PROVIDING TRANSIENT LODGING SPACE AND/OR ACCOMMODATIONS; DEFINING TERMS; PROVIDING FOR LICENSURE AND LICENSE FEE; AND PROVIDING PROCEDURE FOR CANCELLATION OR DENIAL OF LICENSE; EMPOWERING STATE BOARD OF HEALTH OF MONTANA TO MAKE AND ENFORCE ALL NECESSARY REGULATIONS INCLUDING SANITARY STANDARDS FOR SUCH ESTABLISHMENTS; PROVIDING FOR PUBLIC HEARING ON RULES AND REGULATIONS; AND TO ESTABLISH COOPERATIVE AGREEMENTS WITH OTHER MONTANA AGENCIES; PROVIDING FOR INSPECTION AND REPORT OF INSPECTION; EMPOWERING STATE BOARD OF HEALTH OF MONTANA TO ISSUE SUBPOENAS; PRESCRIBING PENALTIES; PROVIDING FOR FEE REQUIRED BY THIS ACT TO SUPERSEDE OTHER FEES FOR SAME PURPOSE; DIRECTING THAT UNCONSTITUTIONALITY OF A PART OF THIS ACT SHALL NOT AFFECT OR IMPAIR THE REMAINDER; AND REPEALING SECTIONS 34-201, 34-202, 34-203, 34-204, 34-205, 34-206, 34-207, 34-208, 34-209, 36-210, 34-211, 34-212, 34-213, 34-214, 34-215, 34-216, 34-217, REVISED CODES OF MONTANA, 1947, AS AMENDED OR SUPPLEMENTED, AND ESTABLISHING EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 183

[redacted]

[redacted]S
BE CONCURRED IN

more than two hundred dollars ($200) for the second offense;

(3) fined not less than two hundred dollars ($200) and imprisoned in the county jail for not more than ninety (90) days for the third and subsequent offenses.

Repealing clause.

Section 16. Sections 27-601 through 27-610, 69-2801 through 69-2813, 69-2815, and 69-2816, R.C.M. 1947, are repealed.

Effective date.

Section 17. This act shall be effective January 1, 1968.

Approved: February 3, 1967.

CHAPTER 18

An Act to Regulate Establishments Providing Transient Lodging Space and/or Accomodations; Defining Terms; Providing for Licensure and License Fee; and Providing Procedure for Cancellation or Denial of License; Empowering State Board of Health of Montana to Make and Enforce All Necessary Regulations Including Sanitary Standards for Such Establishments; Providing for Public Hearing on Rules and Regulations; and to Establish Cooperative Agreements With Other Montana Agencies; Providing for Inspection and Report of Inspection; Empowering State Board of Health of Montana to Issue Subpoenas; Prescribing Penalties; Providing for Fee Required by This Act to Supersede Other Fees for Same Purpose; Directing That Unconstitutionality of a Part of This Act Shall Not Affect or Impair the Remainder; and Repealing Sections 34-201, 34-202, 34-203, 34-204, 34-205, 34-206, 34-207, 34-208, 34-209, 34-210, 34-211, 34-212, 34-213, 34-214, 34-215, 34-216, 34-217, Revised Codes of Montana, 1947, as Amended or Supplemented, and Establishing Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Public welfare requires control of establishments providing transient lodging.

Section 1. It is hereby found and declared that the public welfare requires control and regulation of the operation of establishments providing transient lodging space and/or accomodations, as defined in section 2 hereof, and the control, inspection, and regulation of

persons engaged therein, in order to prevent or eliminate insanitary and unhealthful conditions and practices, which conditions and practices may endanger public health. It is further found and declared that the regulation of establishments providing transient lodging space and/or accomodations as above outlined is in the interest of social well-being and the health and safety of the state and all of its people.

Section 2. **Definitions.** Except where the context indicates a different meaning, terms used in this act shall be defined as follows:

"Person."

(a) "Person" includes any individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaged in the business of operating or owning or offering the services of a hotel, motel, or tourist home.

"Board."

(b) "Board" as used in this act shall mean the state board of health of the state of Montana.

"Executive officer."

(c) "Executive officer" shall mean the executive officer of the state department of health.

"Department."

(d) "Department" means the state department of health.

"Hotel or motel."

(e) "Hotel or motel" shall mean and include any building or structure kept, used, or maintained as or advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house or place where sleeping accomodations are furnished for a fee to transient guests with or without meals.

"Tourist home."

(f) "Tourist home" means any establishment or premises where sleeping accomodations are furnished to transient guests for hire or rent on a daily or weekly rental basis in a private home when such accomodations are offered for hire or rent for the use of the traveling public.

Annual license required.

Section 3. **License required.** Each year, every person engaged in the business of conducting or operating a hotel, motel, or tourist home, as defined in section 2, shall procure a license issued by the department. A separate license shall be required for each establishment; however, where more than one of each type of establishment is operated on the same premises and under the

Separate license.

same management, only one license is required which shall enumerate on the certificate thereof the types of establishments licensed. Applications for such license shall be made in writing to the department on such forms and with such pertinent information as it may deem necessary. Such licenses shall be granted as a matter of right, unless conditions exist which are grounds for a cancellation or denial of a license as hereinafter set forth, and subject to the right of applicant for license to hearing and judicial review as hereinafter set forth.

Application.

Licensing a right.

Section 4. **Fee—term of license.**

(a) There shall be paid to the department with each application for such license or for renewal of such license, an annual license fee of five dollars ($5). Fees collected by the department of health shall be transmitted to the state treasurer and placed to the credit of the general fund.

Fee.

(b) Each license shall expire on December 31 following its date of issue, unless cancelled for cause. Renewal may be obtained annually by paying the required annual license fee. Such license shall not be transferable nor be applicable to any premises other than that for which originally issued.

Term of license.

Section 5. **Cancellation or denial of license—procedure.**

Cancellation or denial of license —procedure.

(a) The executive officer of the department may cancel any license if he finds, after proper investigation by a representative of the department, that the licensee has violated provisions of this act or any regulation effective under this act, and the licensee has failed or refused to remedy or correct the violation. Submission to the department of an acceptable plan of correction within ten (10) days after receipt from the executive officer of written notice of violation, and execution of an acceptable plan within the time prescribed in the written notice of approval thereof by said executive officer shall be a bar to prosecution for violation.

Plan of correction.

(b) No license shall be denied or cancelled by the executive officer of the department without delivery to the applicant or licensee of a written statement of the grounds therefor or the charge involved and an opportunity to answer at a hearing before the board to show

Statement of charges.

Hearing.

cause, if any, why the license should not be denied or cancelled. In such case, licensee must make written request to the executive officer of the department for a hearing within ten (10) days after notice of the grounds or charges has been received.

(c) When a multiple type establishment is licensed by the department, the denial or cancellation of said license may affect the entire establishment or only a portion of same as determined by the executive officer (a multiple type establishment includes two or more of the following: hotel, motel, or tourist home).

Multiple type establishment.

(d) Upon cancellation of a license or the right to operate one or more of the multiple type establishments under the same license, the license certificate shall be returned to the executive officer for destruction or deletion of types of establishment as the executive officer may direct in his notice of cancellation.

Cancellation of license to operate multiple type establishment.

(e) Any order made by the executive officer after hearing, as provided herein, denying or cancelling any license may be reviewed by application for writ of review (certiorari) commenced in the district court of the county in which the licensed premises are located, within ten (10) days from the date of notice in writing of the executive officer's order of denial or cancelling such license has been served upon him.

Judicial review of order.

(f) Whenever the department shall furnish evidence to the county attorney of any county in this state, such county attorney shall prosecute any person, persons, firm, or corporation violating any provisions of this act, or any rules or regulations effective under this act.

County attorney to prosecute.

Section 6. **Rules and regulations—cooperative agreements.**

Rules and regulations.

(a) The board is hereby empowered to prescribe and to enforce rules and regulations and to prescribe such procedures as are necessary to preserve the public health and safety. These rules and regulations shall relate to construction, furnishings, housekeeping, personnel, sanitary facilities and controls, water supply, sewerage and sewage disposal system, refuse collection and disposal, registration and supervision; provided further that no rule or regulation shall be effective until a public hearing has been held for review of said rules and regulations.

Rules and regulations— hearing to review.

Said public hearing is to be announced to all Montana licensed operators thirty (30) days in advance in writing and accompanied by copy of proposed rules and regulations.

Cooperative agreements to enforce.

(b) The department is hereby authorized to enter into cooperative agreements with any of the state agencies or political subdivisions for the purpose of carrying out the provisions of this act, or any part thereof.

Inspections.

Section 7. **Inspections.**

Regular and special inspections.

(a) The department, through its employees, and through local, county and district health officers, sanitarians, or other authorized representatives, shall make all necessary investigations and inspections for enforcement of this act. Each local, county or district health officer, sanitarian, or other authorized representative shall make regular inspections as the rules and regulations of the board may direct, and such special inspections as the department may from time to time direct,

Reports.

and he shall make such reports relative to conditions existing within his district at such times and in such manner as the board may direct.

Free access.

(b) All persons authorized by this act or by regulations adopted under this act shall have free access at all reasonable hours to any of the establishments listed and defined in section 2, for the purpose of making inspections.

Subpoenas.

Section 8. **Authority of board to issue subpoenas.** In any proceeding under this act, the board may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the state of Montana.

Penalty for violation.

Section 9. **Penalty.** Any person violating any provision of this act or regulation made hereunder shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100) for the first offense, and not less than seventy-five dollars ($75) nor more than two hundred dollars ($200) for the second offense; and for the third and subsequent offenses, by a fine of not less than two hundred dollars ($200) and imprisonment in the county jail not to exceed ninety (90) days.

License fees.

Section 10. **License fee—supersedes other fees.** Payment of the license fee stipulated herein shall be accepted

in lieu of any and all existing state fees and charges for like purposes or intent which may be existent prior to the adoption of this act.

Separability clause.

Section 11. **Separability clause.** If any clause, sentence, paragraph, section or part of this act, shall for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair nor invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Repealing clause.

Section 12. **Repeal.** All acts or parts of acts in conflict herewith are hereby repealed and specifically sections 34-201, 34-202, 34-203, 34-204, 34-205, 34-206, 34-207, 34-208, 34-209, 34-210, 34-211, 34-212, 34-213, 34-214, 34-215, 34-216, 34-217, Revised Codes of Montana, 1947.

Effective date.

Section 13. **Effective date.** This act shall be effective January 1, 1968.

Approved: February 6, 1967.

CHAPTER 19

An Act Creating a Planning and Economic Development Commission and a Department of State Government to Foster Planning, Growth and Diversification of Industry and Commerce; Abolishing the Planning Board; and Repealing Sections 89-301 Through 89-309, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Montana Planning and Economic Development Act of 1967.

Section 1. This act shall be known and may be cited as the "Montana Planning and Economic Development Act of 1967."

Declaration of necessity and public policy of state.

Section 2. **Declaration of necessity and public policy.** It is hereby declared to be a necessity and the public policy of the state of Montana to promote, stimulate and encourage the planning and development of the economy of the state in order to provide for the social and economic prosperity of its citizens. Such promotion and

Need for job opportunities.

development of industry, commerce, agriculture, labor